

CHAPTER 70

PROPERTY MAINTENANCE CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code, except as modified by the provisions of this Chapter.

2. **PROPERTY MAINTENANCE CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Property Maintenance Code/2006, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited as "The Property Maintenance Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2007-21, April 2, 2007)

3. **SUBSTITUTIONS.** Whenever in said Code the words, "name of jurisdiction" appear in brackets, said code is modified by removal of said brackets and substitution of the words, "the City of Decatur, Illinois," in lieu of the words contained therein, and whenever the words "name of state" so appear said Code is so modified and the word "Illinois" so substituted, and said Code shall be taken and construed as if such was expressly so set out therein.

4. **NEIGHBORHOOD STANDARDS.** Whenever in said Code or in the Chapter reference is made to the building official or to the code official such shall be taken to mean and

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shall be construed to refer to the Neighborhood Standards Administrator or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Neighborhood Services Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

6. **DELETION.** The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

PM Section No. (Inclusive) PM Section No. (Inclusive)

103.1	103.2
103.3	103.5
104.2	104.6
104.7	106.2
106.3	110.2
110.3	110.4
111.2 through 111.8 inclusive	
302.4	

(Amended, Ordinance No. 2008-05, February 4, 2008)

(Amended, Ordinance No. 2007-21, April 2, 2007)

(Amended, Ordinance No. 98-54, August 17, 1998)

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) 101.1 by inserting the words “City of Decatur” for the name of the jurisdiction.

(b) 107.4 by removing the words “with orders and notices”.

(c) 108.2 by removing the last portion of the last sentence and replacing as follows “It shall be unlawful for the owner of a structure having been given notice as herein provided to fail to close the structure”.

(d) 108.4 by replacing as follows “Placarding: After determination by the code official or his representative that a condemnation notice will be required under the provisions of this code the code official shall post on the premises or structure or parts thereof, or on defective equipment, a placard indicating that the structure or equipment has been condemned as unfit for human occupancy or use, and a statement of the penalties provided for any occupancy or use or for removing the placard”.

(e) 111.1 by replacing “20 days” with “10 days” and adding “in the office of the City Clerk” following “10 days”.

(f) 201.3 by removing “International Zoning Code” and replacing with “International Plumbing Code” with “Illinois Plumbing Code” and replacing “ICC Electrical Code” with “NEC Electrical Code”.

(g) 222 by adding between “extermination” and “garbage” the word “family” with the following definition: Family: Either (A) two or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single house keeping unit and using common kitchen facilities; and, (B) eight or fewer persons, all of whom are not necessarily related to each other by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities. For purposes of this ordinance, however, an unrelated family shall not include personal living together in a residential care home or nursing home. Additionally, 222 shall be amended by adding between “(B) Sleeping Unit” and “strict liability offense” the following: Smoke Detector – “Approved smoke detector or ‘detector’ means a smoke detector of the ionization or photoelectric type, which complies with all the requirements of the rules and regulations of the State Fire Marshal”.

(h) 301.2 by adding “or person in control” following the word “owner” in the first sentence.

(i) 302.1 by adding the word “owner or” following the word “the” in the second sentence and deleting the words “that part of” and “which such occupant occupies or controls”.

(j) 302.2 by removing the period at the end of the sentence and adding “and to prevent water damage to the foundation of the structure located thereon”.

(k) 302.5 by adding the owner of any residential or nonresidential structure shall be responsible for the extermination of any insects or rats, or other pests throughout the structure and on the exterior of the property. Exception: The occupant of a single family dwelling shall be responsible for the extermination of any insects, rats or other pests in the interior of the dwelling. If the single family dwelling is vacant, extermination shall be the responsibility of the owner.

(l) 304.3 by changing “4 inches” to “3 inches” and “(102mm)” to “(76mm)” in the last sentence.

(m) 304.5 by adding “so as to carry the safe design and operating dead and live loads” following the word “maintained” in the first sentence.

(n) 304.6 by adding “fascias and soffits” following the word “walls” in the first sentence.

(o) 304.6.1. Gutters and downspouts. All gutters and downspouts must be maintained in good repair, be properly anchored and connected, and be capable of performing the function for which they are intended, or be removed.

(p) 304.7 by adding the word “may” following the word “that” in the first sentence.

(q) 304.14 by deleting the words “During the period from (Date) to (Date)” in the first sentence and deleting the “Exception” section.

(r) 304.18.1 by deleting the words “that is rented, leased or let” following the word “unit” in the first sentence.

(s) 304.18.2 by deleting the words “that is rented, leased or let” following the words “housekeeping unit”.

(t) 304.18.3 by deleting the words “rented, leased or let” following the word “housekeeping unit” and adding the words “and maintained to prevent the entrance of rats, rain and surface drainage water” at the end of the sentence.

(u) 305.2 by adding the words “free of deterioration” following the words “structurally sound”.

(v) 305.3 by adding “Bathrooms and toilet rooms shall be provided with floors of moisture resistant materials, and every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition” at the end of the paragraph.

(w) 305.4 by adding: And constructed so as to be safe to use and capable of supporting the anticipated loads and shall be free of deterioration. The maximum riser height for the steps shall be 9” and the minimum tread depth shall be 8” with variation not exceeding $\frac{3}{4}$ ” in the depth of adjacent treads or in the height of adjacent risers.

(x) 305.7 by adding: Lead-based paint. Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

(y) 307.2.2 by deleting the words “without first removing the doors” following the word “premises”.

(z) 308.4 by deleting the last sentence of the paragraph “If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination”.

(aa) 403.5 by deleting the words “in accordance with the manufacturer’s instructions” and replacing with “to the exterior of the structure” at the end of the sentence.

(bb) 404.4.5 by adding the following “Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (7M 2) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (5m 2) of floor area for each occupant thereof.”

(cc) 404.5.1 by adding the following: “Dwelling Units. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first

occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.”

- (dd) 404.8 by adding the following: “Below Grade Rooms. Rooms partially or completely below grade shall not be used as habitable space unless (1) floors and walls are water-tight so as to prevent entry of moisture; (2) all habitable rooms shall be provided with aggregate glazing of not less than 8% of the floor area of such rooms; (3) where windows are provided as a means of egress or rescue, the windows shall have the bottom of the clear opening not more than 44” above the floor; (4) the minimum net clear opening for the below grade room windows to be used for egress or rescue shall be 5 square feet; and, (5) means of egress and emergency escape are provided in accordance with this code.
- (ee) 501.3 by adding the following Definitions: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein. Bathroom: A room containing plumbing fixtures including a bathtub and/or shower, water closet and/or urinal. Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code. Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises. Toilet room: A room containing a water closet or urinal but not a bathtub or shower.
- (ff) 505.1 by replacing the International Plumbing Code with the Illinois Plumbing Code in the last sentence.
- (gg) 602.2 by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code” following the words “indicated in”.
- (hh) 602.3 by deleting the words “during the period from (Date) to (Date)” following the words “shall supply heat” and, in the last sentence of number 1 under Exceptions, by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code”.
- (ii) 602.4 by deleting the words “during the period from (Date) to (Date) following the word “heat”.
- (jj) 604.2 by replacing “ICC” with “National” in the first sentence and by adding “(NEC) as adopted by the City of Decatur” at the end of the first sentence.
- (kk) 605.1 by adding “as per the National Electrical Code, as adopted by the City of Decatur” at the end of the sentence.
- (ll) 605.3 by adding “controlled by a wall switch” at the end of the sentence.
- (mm) 702.5 – Number of Exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000

square feet shall be provided with not less than two independent exits. Exception: A single exit is acceptable under any one of the following conditions: (1) where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas; (2) where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway; (3) where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit; and (4) where permitted by the building code listed in Chapter 8.

- (nn) 702.6 – Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762mm) above the floor or grade below shall have guards. Handrails shall not be less than 36 inches (762mm) nor more than 42 inches (1067mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches (762mm) high above the floor of the landing or balcony and shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 6 inches cannot pass through any opening.
- (oo) 702.6.1. – Stairs and porches: Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be constructed so as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair, free of deterioration. The maximum riser height for steps shall be 9 inches and the minimum tread depth shall be 8 inches with variation not exceeding $\frac{3}{4}$ inch in the depth of adjacent treads or in the height of adjacent risers.
- (pp) 704.2 – Smoke Detectors. (1) Every dwelling unit shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 12 inches from the ceiling measured to the top of the detector. All smoke detectors shall be approved and listed and shall be installed in accordance with the manufacturers instructions. (2) Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level. (3) Every structure which (i) contains more than one dwelling unit, or (ii) contains at least one dwelling unit and is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located 6 to 12 inches from the ceiling, measure to the top of the detector.
- (qq) 704.5 Carbon Monoxide Alarm Detectors. Definitions: (i) “Approved carbon monoxide alarm” or “alarm” means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal,

bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association. (ii) Dwelling Unit. A room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building. (iii) Section 1. Carbon Monoxide Detector. (a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard. (b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes. (c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit the written information regarding alarm testing and maintenance. The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner. (d) The carbon monoxide alarms required may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up. Exemptions: The following residential units shall not require carbon monoxide detectors: (1) a residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building official, to receive carbon monoxide from that source. (2) a residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building official.

- (rr) PM-8: Penalty. That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directive or notices, and any person, firm or corporation violating or found to be in violation thereof shall upon conviction be fined no more

than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2007-21, April 2, 2007)

(ss) 107.2 by removing subparagraph 6. (Amended, Ordinance No. 2008-05)

(tt) 107.3 by adding the words “or the address listed in the Macon County Tax Assessor’s Office for receipt of the property tax bill for the property” before the semi-colon in section 107.3(2). (Amended, Ordinance No. 2008-05)

8. **PENALTY.** (A) That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this Chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directives or notices, and, except as provided in subsections (B) and (C) hereof, any person, firm or corporation violating or found to be in violation thereof shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(B) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of a prior violation of any of the provisions of this Chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, and such violation is separately brought and arises out of a different series of acts or omissions, such person, firm or corporation shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Two

Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(C) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of any two (2) prior violations of any of the provisions of this Chapter, or of the Code adopted hereby, or the rules or directives promulgated or notices issued hereunder, which prior violations each arose out of a different series of acts or omissions, and such present violation is separately brought and arises out of a different series of acts or omissions from either of the prior violations, such person, firm or corporation shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-7; Ordinance No. 99-21)

9. **OTHER REMEDIES.** The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, the conduct of business or the operation of mechanical equipment or systems in or about any premises.

10. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable and invalidity of any section or provision of this Chapter, or of the codes and standards hereby adopted, shall not invalidate other sections or provisions hereof.

11. **RULES AND REGULATIONS.** In order to cause the purpose, intent and provisions of this Chapter and the Code adopted thereby to be carried out and administered, and

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to facilitate the same, the City Manager be, and he is hereby, authorized to cause directives, interpretations and rules, not in conflict with said provisions, to be promulgated and enforced.